

# CITY COUNCIL AGENDA

**OCTOBER 22, 2013** 

AMENDED AGENDA

PETE CONSTANT	DISTRICT 1		PIERLUIGI OLIVERIO	DISTRICT 6
ASH KALRA	DISTRICT 2		MADISON NGUYEN, VICI	E MAYOR DISTRICT 7
SAM LICCARDO	DISTRICT 3	CHUCK REED MAYOR	ROSE HERRERA	DISTRICT 8
KANSEN CHU	DISTRICT 4		DONALD ROCHA	DISTRICT 9
XAVIER E. CAMPOS	DISTRICT 5		JOHNNY KHAMIS	DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- *Strategic Support Services* The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- Community & Economic Development Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- *Neighborhood Services* Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- *Transportation & Aviation Services* A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- *Environment and Utility Services* Manage environmental services and utility systems to ensure a sustainable environment for the community.
- *Public Safety Services* Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. If you wish to speak to the City Council, please refer to the following guidelines:

- o Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard. This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <a href="www.sanjoseca.gov/clerk/agenda.asp">www.sanjoseca.gov/clerk/agenda.asp</a>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

## Call to Order and Roll Call

9:00 a.m. - Closed Session, Call to Order in Council Chambers
 Open Session, Labor Negotiations Update (See Item 3.2)
 Adjourn to Closed Session in Council Chambers Conference Room, W133
 See Separate Agenda

1:30 p.m. - Regular Session, Council Chambers, City Hall7:00 p.m. - General Plan Hearings, Council Chambers, City Hall

7:00 p.m. - Public Hearings, Council Chambers, City Hall

# Invocation (District 9)

Christina Garcia, Latina Coalition of the Silicon Valley

# Pledge of Allegiance

# • Orders of the Day

\* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

-1- CC 10/22/13

- Orders of the Day (Cont'd.)
- \* SEE NEW ITEM 4.5, "Motion and Waiver of 7 Day Advance On-line Posting of October 23, 2013 Planning Commission Agenda," REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council's Rules of Conduct, Resolution No. 76475, Rule 3(d).
- \* SEE NEW ITEM 2.16, "Addition of a General Plan Hearing for November 19, 2013," REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council's Rules of Conduct, Resolution No. 76475, Rule 3(d).

ADJOURNMENT: This meeting will be adjourned in memory of Cindy Avitia, who tragically lost her life on August 22, 2013. She was a dedicated mother, wife, and community activist. Her devotion and commitment to her friends and family will leave a lasting impact in their lives that will never be forgotten. Cindy's work in the community carried a sense of pride and energy that was felt by those who worked with her and who had the opportunity to share memories with her. Cindy has left a legacy that will continue through her family and those in East San José.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

Closed Session Report

# 1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring October 17, 2013 as "Light On Afterschool Day" in the City of San José. (Campos)
- 1.2 Presentation of commendations to the 2013 ELLA graduating class in recognition of their civic leadership and achievements. (Campos)TO BE HEARD IN THE EVENING
- Presentation of a commendation to eBay for their donation of an 800 square foot mobile Emergency Operations Trailer, to the City of San José Office of Emergency Services. (Fire)

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## 1. CEREMONIAL ITEMS

- Presentation of a proclamation declaring the month of October 2013 as 'Hindu Awareness and Appreciation Month' in the City of San José. (Kalra)
  - TO BE HEARD IN THE EVENING
- 1.5 Presentation of a commendation recognizing Jose Mendoza, owner of San José Men's Wear for his contributions to the Tropicana Shopping Center and the San José community through his leadership and commitment to improving the lives of all San José residents. (Nguyen)

TO BE HEARD IN THE EVENING

- **1.6** Presentation of a commendation to St. Thomas of Canterbury Church recognizing their effort to complete 1,400 miles by bicycle in honor of the late Reverend Mark Catalana.
- \* (Rules Committee referral 10/16/13)

# 2. CONSENT CALENDAR

**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

- 2.1 Approval of Minutes.
- 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) <u>ORD. NO. 29319</u> An ordinance of the Council of the City of San José expanding a public right-of-way to accommodate the Delmas/Park Underground Utility District Project.
- (b) ORD. NO. 29321 Amending Section 3.28.630 of Chapter 3.28, the 1975 Federated Employees Retirement Plan, of Title 3 of the San José Municipal Code to require members to pay the member's share of contributions when receiving supplemental military pay from the City.
- 2.3 Approval of Council Committee Reports.

**Recommendation:** Approval of Council Committee Reports.

- (a) <u>Economic Competitiveness Committee Report of August 26, 2013</u>. (Mayor)
- (b) Rules and Open Government Committee Report of September 25, 2013. (Mayor)
- (c) Rules and Open Government Committee Report of October 2, 2013. (Mayor)
- (d) Transportation and Environment Committee Report of October 7, 2013. (Liccardo)

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### 2.4 Mayor and Council Excused Absence Requests.

#### **Recommendation:**

- (a) Request for an excused absence for Councilmember Constant from the Rules and Open Government Committee Meeting on October 9, 2013 due to a Family Emergency. (Constant)
  (Rules Committee referral 10/9/13)
- (b) Request for an excused absence for Mayor Reed from the Rules and Open Government Committee of October 9, 2013 due to Authorized City Business: The Hoover Institution Leadership Forum: Focus California; Stanford, CA. (Mayor)
  (Rules Committee referral 10/9/13)
- (c) Request for an excused absence for Councilmember Constant from the Rules and Open Government Committee Meeting on October 16, 2013 due to a Family Emergency. (Constant)
  (Rules Committee referral 10/16/13)
- 2.5 City Council Travel Reports.
- 2.6 Report from the Council Liaison to the Retirement Boards.
- 2.7 **Aquatic Service Agreements Extension.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute amendments to the aquatic service agreements with Maki Swim School, Sparkle Swim School, LGS Recreation, West Coast Aquatics and California Sports Center to extend for one additional year through April 2015. CEQA: Not a Project, File PP10-066(e), Services that involve no physical change to the environment. (Parks, Recreation and Neighborhood Services)

# 2.8 <u>Urban Greening Project Grant Application for the Three Creeks Trail (Los Gatos Creek to Guadalupe River) Project.</u>

#### **Recommendation:** Adopt a resolution:

- (a) Authorizing the City Manager, or designee, to submit a grant application in an amount not to exceed \$1,100,000 to the State of California Natural Resources Agency as part of the Urban Greening for Sustainable Communities Grant Program funding for the Three Creeks Trail-Los Gatos Creek (at Lonus Street) to Guadalupe River (at Falcon Place cul-de-sac) (Project) that complies with the requirements of the Strategic Growth Council; and
- (b) Delegating the authority to the City Manager, or designee, to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Project.

CEQA: Not a Project, File No. PP10-068, Grant Application. Council District 6. (Parks, Recreation and Neighborhood Services)

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2.9 Actions Related to the Agreement with Department of Justice, Office on Violence
Against Women to Accept the 2013 Encourage Arrest Policies and Enforcement of
Protection Orders Grant Award.

#### **Recommendation:**

- (a) Adopt a <u>resolution</u> authorizing the City Manager to execute an Agreement between the City of San José and the Department of Justice, Office on Violence Against Women, to accept the 2013 <u>Encourage Arrest Policies and Enforcement of Protection Orders grant</u> award in the amount of \$899,660 and to negotiate and execute additional amendments and related documents without further Council action;
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
  - (1) Establish a City-Wide Expenses appropriation to the Police Department for the 2013 Encourage Arrest Policies and Enforcement of Protection Orders Program Grant in the amount of \$247,806; and
- (2) Increase the estimate for Revenue from Federal Government by \$247,806. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Police/City Manager's Office)

#### 2.10 Actions Related to the Internet Crimes Against Children Continuation Grant.

#### **Recommendation:**

- (a) Adopt a <u>resolution</u> accepting the FY 2011 <u>Internet Crimes Against Children</u> <u>Continuation Grant</u> in the amount of \$399,655 and authorize the City Manager to execute the Grant Agreement and all related documents.
- (b) Adopt the following Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund:
  - (1) Increase the City-Wide Expenses appropriation to the Police Department for the Internet Crimes Against Children Continuation Grant 2011 in the amount of \$399,655; and
- (2) Increase the estimate for Revenue from Federal Government by \$399,655. CEQA: Not a Project, File No. PP10-066(g), Grant Agreements and Memorandum of Understanding. (Police/City Manager's Office)
- 2.11 <u>Vacation of a Portion of Sixth Street Between Virginia Street and Martha Street for Service Easement.</u>

**Recommendation:** Adopt a <u>resolution</u> of intention to vacate a portion of Sixth Street between Virginia Street and Martha Street, reserving a public service easement over the area proposed for vacation, and setting a public hearing on <u>November 19, 2013 at 1:30 p.m.</u> CEQA: Mitigated Negative Declaration, File No. PDC07-035. Council District 3. (Public Works)

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## 2.12 <u>City Clerk Compensation Package.</u>

\* **Recommendation:** As recommended by the Rules and Open Government Committee on October 9, 2013, adopt a <u>resolution</u> approving the terms for Toni Taber for services as City Clerk, effective October 22, 2013. (Mayor)
[Rules Committee referral 10/9/13 – Item G(2)]

# 2.13 Actions Related to Mayor Reed's Travel to Washington D.C. and New York City, NY.

#### **Recommendation:**

- (a) Approve travel by Mayor Reed to Washington, D.C. and New York City, NY on October 23-27, 2013:
  - (1) To participate in a panel at the Sustainable State and Local Retirement Systems Summit in Washington D.C.; and
  - (2) To give a keynote on pension reform at the Reforming Public Pensions to Save Public Services Conference in New York City, NY.
  - Source of Funds: Portions of the travel costs will be paid by the Manhattan Institute for Policy Research and PEW Charitable Trusts. Portions will be paid out of the Mayor's office budget. (Mayor)
- (b) Request for an excused absence for Mayor Reed from the Rules and Open Government Committee on October 23, 2013 due to Authorized City Business: Sustainable State and Local Retirement Systems Summit and Reforming Public Pensions to Save Public Services Conference. (Mayor)
- \* (Rules Committee referral 10/16/13)

### 2.14 Councilmember Herrera's Travel to Newport Beach, CA.

**Recommendation:** Approve travel by Councilmember Herrera to Newport Beach, CA on November 6-8, 2013, to join the Board of Directors for a League Leaders Workshop. Source of Funds: League of CA Cities and Mayor & Council Funds. (Herrera)

\* (Rules Committee referral 10/16/13)

#### 2.15 Councilmember Herrera's Travel to Seattle, WA.

**Recommendation:** Approve travel by Councilmember Herrera to Seattle, Washington on November 13-16, 2013, to represent the City of San José as Chair of Economic Development at the National League of Cities Expo. Source of Funds: Mayor & Council Funds. (Herrera)

\* (Rules Committee referral 10/16/13)

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# 2.16 Addition of a General Plan Hearing for November 19, 2013. Memo from Mayor Reed

#### **Recommendation:**

- (a) Subject to approval under Orders of the Day, Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
- (b) Approve a General Plan Hearing for November 19, 2013 at 7:00 p.m. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Planning, Building and Code Enforcement).

# 3. STRATEGIC SUPPORT SERVICES

- 3.1 Report of the City Manager, Debra Figone (Verbal Report)
- 3.2 Labor Negotiations Update

**Recommendation:** Accept Labor Negotiations Update.

- \* TO BE HEARD AT 9:00 A.M.
- 3.3 Terms of an Agreement with the International Brotherhood of Electrical Workers, Local No. 332.

**Recommendation:** As referred by the Rules and Open Government Committee on October 16, 2013:

- (a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation; and
- (b) Adopt a <u>resolution</u> approving the terms of an agreement with the International Brotherhood of Electrical Workers, Local No. 332 (IBEW) for a term from July 1, 2013 to June 30, 2014. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)
- \* (Rules Committee referral 10/16/13)

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# 4. COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 <u>Amendment to the City of San José's Sign Ordinance.</u>

**Supplemental** 

Memo from Councilmembers Constant, Oliverio, Khamis, and Kalra

#### **Recommendation:**

- (a) Adopt a <u>resolution</u> adopting the Negative Declaration and addendum thereto for the Update of the City of San José Sign Ordinance, First Phase Ordinance Revisions, File No. PP13-067 and File No. PP13-083, as having been completed in compliance with the California Environmental Quality Act (CEQA) and reflecting the City's independent judgment and analysis; and
- (b) Approve an <u>ordinance</u> amending Title 23 of the San José Municipal Code to add a new type of allowable Sign for Corner Buildings of large Shopping Center Sites and allow additional Attached Signs for second-story retail tenant spaces within certain buildings on large Shopping Center Sites; to establish provisions for variances for Signs on historic buildings; to clarify and update the names of the City departments with administrative authority for implementation of Sign regulations; to delete references to Time and Temperature Signs; to amend definitions of Erection of a Sign, Programmable Electronic Sign, Relocation of a Sign, and Traffic Control Device; to add definitions of Sign Area and Sign Ordinance; to add a section stating the legal authority for the Sign Code; to repeal the section on the Master Sign Program; and to make other nonsubstantive, ministerial technical or typographical changes.

CEQA: Negative Declaration, File No. PP13-067. (Planning, Building and Code Enforcement)

(Deferred from 8/27/13 – Item 4.3, 9/17/13 – Item 11.3, and 10/1/13 – Item 4.1)

#### 4.2 Envision San José 2040 Annual Report.

Memo from Mayor Reed and Councilmembers Nguyen, Liccardo, and Herrera Memo from Councilmember Rocha

#### **Recommendation:**

- (a) Accept the Envision San José 2040 General Plan Annual Review report;
- (b) Continue the policy direction of employment first and great places; and
- (c) Continue planning and implementation efforts in village areas.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Planning, Building and Code Enforcement) (Deferred from 10/8/13 – Item 4.2)

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# 4. COMMUNITY & ECONOMIC DEVELOPMENT

# 4.3 Reorganization/Annexation to the City of San José of a Parcel Designated as Burbank No. 42.

**Recommendation:** Adopt a <u>resolution</u> ordering the reorganization of territory designated as Burbank No. 42 which involves the annexation to the City of San José of approximately 1.20 gross acres of land located at the southwest corner of West San Carlos Street and Leigh Avenue, and the detachment of the same from the appropriate special districts including Santa Clara County Central Fire Protection District, County Library Service Area No. 01, Burbank Sanitary District, and County Lighting Service Area. CEQA: Envision San José 2040 General Plan EIR Resolution No. 76041. (Related approved Prezoning File No. C13-010). Council District 6. (Planning, Building and Code Enforcement)

### 4.4 <u>Sister City Relationship with Ekaterinburg, Russia.</u>

\* **Recommendation:** As recommended by the Rules and Open Government Committee on October 9, 2013, adopt a <u>resolution</u> demonstrating the City of San José's commitment to maintaining its Sister City relationship with Ekaterinburg, Russia and, in keeping with the Sister City Program's mission of creating cultural and educational exchanges, utilizing this relationship to denounce the recent anti-gay propaganda legislation and rhetoric by the Russian Federation and to encourage the protection of the equal rights of the LGBT community in Russia. (Kalra/Campos/Constant)
[Rules Committee referral 10/9/13 – Item G(4)]

# 4.5 <u>Motion and Waiver of 7 Day Advance On-line Posting of October 23, 2013 Planning</u> Commission Agenda.

#### **Recommendation:**

- (a) Subject to approval under Orders of the Day, Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
- (b) Approval of a waiver of the Sunshine Resolution No. 75978 requirement that Planning Commission agendas be posted 7 days in advance of a meeting to authorize the on-line posting of the October 23, 2013 Planning Commission meeting agenda 6 days in advance of the October 23, 2013 meeting.
- \* CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Planning, Building and Code Enforcement).

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# 5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Agreement with Alum Rock Union Elementary School

District for the Rehabilitation and Operation of Softball Fields and Play Areas at
Ocala Middle School.

Memo from Councilmembers Campos and Herrera

#### **Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Alum Rock Union Elementary School District for the funding, renovation and operations of softball fields and play areas at Ocala Middle School with the following terms:
  - (1) Term of 25 years from the date of acceptance of the project plus the number of months necessary for the term to end on the following June 30;
  - (2) Financial contribution from the City in the amount up to \$500,000.
- (b) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes, Council District #5:
  - (1) Decrease the Ending Fund Balance by \$250,000; and
  - (2) Establish the Ocala Middle School Joint Use Project appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$250,000;
- (c) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes, Council District #8:
  - (1) Decrease the Ending Fund Balance by \$250,000; and
  - (2) Establish the Ocala Middle School Joint Use Project appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$250,000.

CEQA: Exempt, File No. PP13-093. Council Districts 5 and 8. (Parks, Recreation and Neighborhood Services/City Manager's Office)

# 6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Agreement with VF Mall, LLC for Reimbursement Cost for Ramp Modifications at the I-880/Stevens Creek Boulevard Interchange.
- \* Recommendation: Adopt a resolution authorizing the City Manager to execute a reimbursement <u>agreement</u> in an amount not to exceed \$3,000,000 whereby VF Mall, LLC, would reimburse the City for its share of the cost of constructing the ramp modifications at the I-880/Stevens Creek Boulevard interchange in accordance with the terms of site development permit H06-027. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. Council District 6. (Transportation)

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## 7. ENVIRONMENTAL & UTILITY SERVICES

- 7.1 <u>Agreement with CTS International Corp for Technical Training Services at the San José-Santa Clara Regional Wastewater Facility.</u>
  Supplemental
- \* Recommendation: Adopt a resolution to authorize the City Manager to execute an agreement with CTS International Corp for consultant services to develop technical training at the San José-Santa Clara Regional Wastewater Facility, formally referred to as the San José/Santa Clara Water Pollution Control Plant, from the date of execution through June 30, 2017, in an amount not to exceed \$2,250,000, and to authorize the City Manager to execute up to two one-year options to extend the term through June 30, 2019, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

# 8. PUBLIC SAFETY SERVICES

# 9. REDEVELOPMENT – SUCCESSOR AGENCY

• Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

• Council will recess until 7:00 p.m.

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# 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of General Plan Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the General Plan Consent Calendar (Item 10.1) and considered separately.

## 10.1 Tentative Approval of General Plan Consent Calendar Items.

#### **Recommendation:**

- Amendment on a 5.28 gross acre site located at/on the block bounded by E. Taylor Street, N. 7<sup>th</sup> Street, Jackson Street, and N. 6<sup>th</sup> Street.

  Tentative approval of a Planning Director initiated General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Mixed Use Neighborhood to Transit Residential to align with the Jackson-Taylor Specific Plan on a 5.28 gross acre site, located at/on the Block bounded by E. Taylor Street, N. 7th Street, Jackson Street, and N. 6th Street (City of San José, Owner). CEQA: Envision San José 2040 EIR Resolution Number 76041. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommended approval. GP13-007 District 3
- (b) <u>Amendment on a 2.4 gross acre site located on the west side of Race Street, 170 feet south of Park Avenue.</u>

Tentative approval of a General Plan Amendment request to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Mixed Use Neighborhood to Urban Residential on a 2.4 gross acre site, located on the west side of Race Street, 170 feet south of Park Avenue (250 Grand Avenue) (Race Street Investments LLC, Owner). CEQA: Addendum to the Race Street Terrace Mitigated Negative Declaration (Zoning File No. PDC11-005). Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommended approval.

GP13-005 - District 6

(Item continued on the next page)

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# 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

#### 10.1 Tentative Approval of General Plan Consent Calendar Items. (Cont'd.)

#### **Recommendation:**

Expressway, approximately 1,320 feet southerly of Winfield Boulevard.

Tentative approval of a Planning Director initiated General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Rural Residential to Residential Neighborhood on approximately 1.38 acres and Open Space, Parklands and Habitat on approximately 0.44 acres to align with the previously approved General Plan Amendment (File No. GP07-10-01 approved in 2010) on a 1.82 gross acre site, located on the east side of Almaden Expressway, approximately 1,320 feet southerly of Winfield Boulevard (6082 Almaden Expressway) (Mazzone Benjamin W Trustee & Et Al, Owner). CEQA: Envision San José 2040 EIR Resolution Number 76041. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Bit-Badal recused) recommended approval.

GP13-019 - District 10

#### (d) General Plan Text Amendment.

Director-initiated General Plan Text Amendment to clean-up LU-1.1 and LU-1.2 to eliminate redundant policy and mis-numbering, (City Of San José, Owner). CEQA: Envision San José 2040 EIR Resolution Number 76041. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommend withdrawal.

GP13-017 - District: Citywide

## RECOMMEND DROP PER ADMINISTRATION

#### (e) General Plan Text Amendment.

Director-initiated General Plan Text Amendment clean-up to add the "Planned Job Capacity and Housing Growth Areas by Horizon" Table currently in Appendix 5 to the main body of the General Plan, Chapter 5. (City Of San José, Owner). CEQA: Envision San José 2040 EIR Resolution Number 76041. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommend withdrawal.

GP13-018 - District: Citywide.

### RECOMMEND DROP PER ADMINISTRATION

(Item continued on the next page)

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# 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

#### 10.1 Tentative Approval of General Plan Consent Calendar Items. (Cont'd.)

#### **Recommendation:**

(f) Amendment on a 9.73 gross acre site, located on the west side of South King Road, approximately 810 feet north of Aborn Road.

General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Light Industrial to Residential Neighborhood on a 9.73 gross acre site, located on the west side of South King Road, approximately 810 feet north of Aborn Road (2905 S. King Road). Consideration of this application also requires an update to the Evergreen-East Hills Development Policy. (Principle Broadcasting Network, Owner). CEQA: EIR required, not prepared. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommend withdrawal.

GP13-004 - District 7

RECOMMEND DROP PER ADMINISTRATION

#### END OF GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

# 10. GENERAL PLAN PUBLIC HEARINGS

10.2 <u>Amendment on a 1.4 Gross Acre Site Located on the South East Corner of Goodyear Street and Pepitone Avenue.</u>

Memo from Mayor Reed

**Recommendation:** Tentative approval of General Plan Amendment request to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Open Space, Parklands and Habitat to Public/Quasi-Public to allow a public elementary school on a 1.4 gross acres site located on the south east corner of Goodyear Street and Pepitone Avenue (1197 Lick Avenue) (City of San José, Owner). CEQA: Mitigated Negative Declaration, File No. PP12-091. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Commissioner O'Halloran recused) recommended approval.

GP13-003 – District 3

TO BE HEARD JOINTLY WITH ITEMS 11.2 AND 11.3

\* RECOMMEND DEFERRAL TO 11/19/13 PER ADMINISTRATION

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# 10. GENERAL PLAN PUBLIC HEARINGS

10.3 <u>Amendment on a 1.0 Gross Acre Site Located on the West Side of Thornton Way,</u> Approximately 260 feet Northerly of Maywood Avenue.

**Recommendation:** Tentative approval of a General Plan Amendment request to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Residential Neighborhood to Mixed-Use Neighborhood on 1.0 gross acre site, located on the west side of Thornton Way, approximately 260 feet northerly of Maywood Avenue. (Plaza III, Owner). CEQA: Mitigated Negative Declaration, Resolution to be adopted with Item 10.5. Director of Planning, Building and Code Enforcement and Planning Commission (6-1, Commissioner Cahan opposed) recommended approval. GP13-006 – District 6

TO BE HEARD JOINTLY WITH ITEM 11.4

10.4 <u>Five Wounds Urban Village Plans: Roosevelt Park, Five Wounds, Twenty Fourth and William Street, and Little Portugal.</u>

Memo from Mayor Reed and Councilmembers Liccardo and Campos

**Recommendation:** Tentative approval of Roosevelt Park, Five Wounds, Twenty Fourth and William Street, and Little Portugal Urban Village Plans as a part of the first group of Urban Village Plans prepared by the City and the community to further the Urban Village strategy of the Envision San José 2040 General Plan. These Plans will be a City Council adopted policy document for the future growth of the four Five Wounds Urban Villages. As a part of these plans, minor General Plan land use designation and Village Boundary line changes are also proposed. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommended approval.

10.5 Adopt a Resolution Approving All General Plan Amendment Actions on October 22, 2013.

Memo from Mayor Reed

**Recommendation**: Adopt a <u>resolution</u> approving all of the General Plan amendment actions taken on October 22, 2013, and adopt related CEQA resolutions. (Planning, Building and Code Enforcement) <u>Items 10.3 and 11.4 CEQA Resolution</u>

\* RECOMMEND CONTINUANCE TO 11/19/13 PER ADMINISTRATION

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# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

# 11.1 Public Hearings on Consent Calendar.

#### **Recommendation:**

- (a) Consideration of an ordinance rezoning the real property located on the southwest corner of Guadalupe Mines Road and Camden Avenue (6055 Guadalupe Mines Road) from the R-1-1 Single Family Zoning District to the A(PD) Planned Development Zoning District to allow up to six (6) single-family detached homes (including one existing single-family detached residence) on a 7.2 gross acre site (Margolis Adele P Trustee, Owner). CEQA: Mitigated Negative Declaration to be adopted. Planning Commission recommends approval (7-0-0).

  PDC12-024 District 10

  [Deferred from 8/20/13 Item 11.1(b) and 9/17/13 Item 11.1(a) and Renoticed to 10/22/13]
- (b) Consideration of an <u>ordinance</u> for Planned Development Zoning from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow the addition of an approximately 1,390 square foot childcare facility to an existing athletic club located on the easterly side of Camden Avenue, approximately 210 feet northerly of Kooser Road (5400 CAMDEN AV) (Almaden Valley Athletic Club, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommended approval.

  PDC12-026 District 9

#### END OF PUBLIC HEARINGS ON CONSENT CALENDAR

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## 11. PUBLIC HEARINGS

# 11.2 <u>Conventional Rezoning Real Property Located on the South East Corner of Goodyear Street and Pepitone Avenue.</u>

Memo from Mayor Reed

**Recommendation:** Consideration of an <u>ordinance</u> to rezone from LI Light Industrial Zoning District to R-M Multiple Residence Zoning District, on a 1.4 gross acres site located on the south east corner of Goodyear Street and Pepitone Avenue (1197 Lick Avenue) (City Of San José, Owner). CEQA: Mitigated Negative Declaration, File No. PP12-091. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Commissioner O'Halloran recused) recommended approval. C13-013 - District 3

TO BE HEARD JOINTLY WITH ITEMS 10.2 AND 11.3

\* RECOMMEND DEFERRAL TO 11/19/13 PER ADMINISTRATION

# 11.3 <u>Agreement with Launchpad Development Company for Construction of Rocketship</u> Tamien Public School.

Memo from Mayor Reed

**Recommendation:** Approve a revised Purchase and Sale <u>Agreement</u> between the City of San José and Launchpad Development Company, a California non-profit corporation, for the sale of approximately 26,528 square feet (0.6 acres) of real property in the amount of \$848,896 to facilitate the construction of Rocketship Tamien Public School #8, with the understanding that the acquired property will be transferred to Launchpad Development Nine, LLC, a California limited liability company. CEQA: Mitigated Negative Declaration, File No. PP12-091. Council District 3. (Parks, Recreation and Neighborhood Services)

TO BE HEARD JOINTLY WITH ITEMS 10.2 AND 11.2

\* RECOMMEND DEFERRAL TO 11/19/13 PER ADMINISTRATION

# 11.4 <u>Prezoning Real Property Located on the West Side of Thornton Way.</u> Memo from Mayor Reed

**Recommendation:** Consideration of an <u>ordinance</u> to Pre-Zone from County to R-M, Multiple Residence Zoning District on a 1.0 gross acre site, located on the west side of Thornton Way, approximately 260 feet northerly of Maywood Avenue. (Plaza III, Owner). CEQA: Mitigated Negative Declaration, to be adopted under Item 10.5. Director of Planning, Building and Code Enforcement and Planning Commission (6-1, Commissioner Cahan opposed) recommended approval. C13-026 - District 6

TO BE HEARD JOINTLY WITH ITEM 10.3

\* RECOMMEND CONTINUANCE TO 11/19/13 PER ADMINISTRATION

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# 11. PUBLIC HEARINGS

11.5 Actions Related to the Real Property Located at the Southwest Corner of West San Carlos and Sunol Streets Extending to Auzerais Avenue.

#### **Recommendation:**

- (a) Consideration of an ordinance rezoning the real property located at the southwest corner of West San Carlos and Sunol Streets extending to Auzerais Avenue (860 West San Carlos Street) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District for a previously approved development to allow the following: (1) a change in the range of multi-family residential units from 680-800 to 600-800 units; (2) a change in the range of commercial square footage from 24,000-30,000 to 12,500-30,000 square feet; and (3) a reduction in building height on Block C from 140-150 feet to 50-80 feet, on an 8.0 gross acre site (Santa Clara County Transit District (VTA), Owner). CEQA: Ohlone Mixed Use EIR, File No. PDC08-061, Resolution No. 75192. PDC13-004 District 6
- Consideration of an ordinance approving a Development Agreement with Green (b) Republic, LLLP, Valley Transportation Authority (VTA), Dianne Ryan Trust, 861 Auzerais Investment, Green Valley Corporation, and Carolyn Pahle Trust, to develop up to 800 multi-family attached residential units and a minimum of 14,000 square feet of ground floor commercial space on three blocks with a minimum of two tower structures and one structure with a minimum height of 70 feet, consistent with the proposed Planned Development Zoning (File No. PDC13-004), and subject to the performance by Green Republic, LLLP for the dedication of parkland, contribution of funds for public transportation improvements serving the development, accelerated construction of street and utility infrastructure, submittal of building permits for the first high rise and commencement of construction and subsequent occupancy per deadlines of performance included in this agreement, on an 8.0 gross acre site, located at the southwest corner of West San Carlos and Sunol Streets extending to Auzerais Avenue (860 W. San Carlos Street). CEQA: Ohlone Mixed Use EIR, File No. PDC08-061, Resolution No. 75192. (Planning, Building and Code Enforcement) **DA13-002** – District 6

(Deferred from 8/20/13 – Item 11.3 and from 9/17/13 – Item 11.2)

RECOMMEND DEFERRAL TO 11/5/13 PER ADMINISTRATION

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# 11. PUBLIC HEARINGS

11.6 Rezoning of the Properties Located Within a Portion of the Alum Rock
Neighborhood Business District Between King Road and Highway 680.

Memo from Councilmember Campos

**Recommendation:** Consideration of an <u>ordinance</u> rezoning of the properties located within a portion of the Alum Rock Neighborhood Business District (NBD) between King Road and Highway 680 to the MS - C Main Street Commercial and MS - G Main Street Ground Floor Commercial Zoning Districts. (City of San José, Applicant) (Various Owners). CEQA: <u>Mitigated Negative Declaration</u>, Resolution to be adopted. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement) C13-035 – District 5

(Deferred from 9/17/13 – Item 11.5)

# Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

# Adjournment

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# CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

#### 1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

#### 2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

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# CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)

#### 3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.

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